

April 23, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY: NM
DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DAWN SUSANNE HOWELL,

Plaintiff,

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CIVIL NO. SA:23-CV-00159-OLG

ORDER

Before the Court is United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R) concerning Plaintiff Dawn Susanne Howell's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act (EAJA) (*see* Dkt. No. 16). (R&R, Dkt. No. 20, filed Mar. 15, 2024.) Defendant Commissioner of Social Security was electronically served a copy of the R&R on March 18, 2024, and the time to object has passed. (Dkt. No. 20.) Because no party has objected to the R&R, the Court has reviewed the recommendation to determine whether it is clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). It is not. Accordingly, the Court concludes that Magistrate Judge Chestney's Report and Recommendation (Dkt. No. 20) should be and hereby is **ADOPTED**.

It is therefore **ORDERED** that, for the reasons stated in the R&R, Plaintiff's Motion for Attorney's Fees (Dkt. No. 16) is **GRANTED**.

IT IS FURTHER ORDERED that \$20,317.27 be made payable to Plaintiff's counsel and mailed to counsel's address of record.¹ This payment by Defendant bars any and all further claims

¹ This is so long as Plaintiff has no debt registered with the Department of Treasury that would otherwise be offset by such a payment. *See Astrue v. Ratliff*, 560 U.S. 586 (2010). Plaintiff signed a waiver agreeing to waive direct payment of the EAJA fees and assigned said fees to be paid directly to her attorney. (Affirmation and Waiver of Direct Payment of EAJA Fees, Dkt. No. 17-2 at 2.)

Plaintiff may have relating to EAJA fees and expenses in connection with this action. Further, this payment by Defendant is without prejudice to Plaintiff's right to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

It is so **ORDERED**.

SIGNED this 23rd day of April, 2024.

A handwritten signature in blue ink, appearing to read 'Orlando L. Garcia', written above a horizontal line.

ORLANDO L. GARCIA
United States District Judge